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BEFORE THE ARIZONA CORPORATION COMMISSION

DOCKETED

WILLIAM A. MUNDELL
CHAIRMAN

JIM IRVIN

COMMISSIONER

MARC SPITZER

COMMISSIONER

FEB 21 2001

2001 FEB 21 P 2:36

DOCKETED BY

[Signature]

AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF THE APPLICATION OF
ENKIDO, INC. FOR A CERTIFICATE OF
CONVENIENCE AND NECESSITY TO PROVIDE
COMPETITIVE FACILITIES-BASED AND
RESOLD LOCAL EXCHANGE, EXCHANGE
ACCESS, AND INTEREXCHANGE
TELECOMMUNICATIONS SERVICES AND
PETITION FOR COMPETITIVE
CLASSIFICATION OF PROPOSED SERVICES

DOCKET NO. T-03882A-00-0356

PROCEDURAL ORDER**BY THE COMMISSION:**

On May 24, 2001, Enkido, Inc. ("Applicant" or "Enkido") submitted to Docket Control of the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("Certificate") to provide facilities-based and resold local exchange, exchange access, and interexchange telecommunications services statewide. As part of its application, Applicant asks that the telecommunications services that it intends to provide be found "competitive."

Applicant is required to publish notice of its filing in newspapers in all counties where service is to be provided. The record shows that the Applicant has not published notice.

The Commission's Utilities Division Staff ("Staff") filed a Staff Report on January 11, 2001. Accordingly, the matter should be set for hearing.

Pursuant to Commission Rules, the time frame for processing this application may be extended.

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that the time frame for processing this application shall be extended to July 27, 2001 to allow the Company additional time to publish notice.

IT IS FURTHER ORDERED that the hearing on the above application and petition of Applicant shall commence on May 9, 2001 at 10:00 a.m., or as soon thereafter as is practical, at the

Commission's offices, 1200 West Washington Street, Phoenix, Arizona 85007.

IT IS FURTHER ORDERED that Enkido, Inc. shall mail Qwest Corporation, formerly U S WEST Communications, Inc., notice of its pending application by March 9, 2001.

IT IS FURTHER ORDERED that Applicant shall publish notice of its filing, as stated below, in newspapers in every county in Arizona in which Applicant desires to provide service by March 30, 2001, and shall file Affidavits of Publication with the Commission no later than April 13, 2001.

**NOTICE OF APPLICATION FOR A CERTIFICATE
OF CONVENIENCE AND NECESSITY TO PROVIDE COMPETITIVE FACILITIES-
BASED AND RESOLD LOCAL EXCHANGE, EXCHANGE ACCESS,
AND INTEREXCHANGE TELECOMMUNICATIONS SERVICES BY ENKIDO,
INC.**

Enkido, Inc. ("Applicant") has filed with the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("Certificate") to provide competitive facilities-based and resold local exchange, exchange access, and interexchange telecommunications services in the State of Arizona. Applicant will be required by the Commission to provide this service under the rates and charges and terms and conditions established by the Commission.

The application, report of the Commission's Utilities Division Staff, and any written exceptions to the staff report prepared by the applicant are available for inspection during regular business hours at the offices of the Commission located at 1200 West Washington Street, Phoenix, Arizona 85007, and at Applicant, [address].

Under appropriate circumstances, interested parties may intervene in the proceedings and participate as a party. You may have the right to intervene in the proceeding, or you may make a statement for the record. Intervention shall be in accordance with A.A.C. R14-3-105, except that all motions to intervene must be filed on or before April 27, 2001 **by 12 noon**. Persons desiring to intervene must file a written motion to intervene with the Commission and send such motion to the Company or its counsel and to all parties of record, and which at the minimum, shall contain the following:

1. The name, address, and telephone number of the proposed intervenor and of any party upon whom service of documents is to be made if different than the intervenor.

2. A short statement of the proposed intervenor's interest in the proceeding (e.g. a customer of the company, a shareholder of the company, a competitor, etc.).

3. A statement certifying that a copy of the motion to intervene has been mailed to the Company or its counsel and to all parties of record in the case.

A.A.C. R14-3-105 shall govern the granting of motions to intervene. The granting of intervention, among other things, entitles a party to present sworn evidence at the hearing and to cross-examine other witnesses. However, failure to intervene will not preclude any interested person or entity from appearing at the hearing and making a statement on their own behalf. The hearing is scheduled to commence on May 9, 2001 at 10 a.m. at the Arizona Corporation Commission, 1200 West

Washington Street, Phoenix, Arizona 85007. Please check with the Commission for any changes to the scheduled hearing date.

If you have any comments, mail them to:

The Arizona Corporation Commission
Attention Docket Control
re: Enkido, Inc.
T-03882A-00-0356
1200 West Washington Street
Phoenix, Arizona 85007

All written comments should be received by May 9, 2001.

If you have any questions about this application, or want information on intervention, you may contact the Consumer Services Section of the Commission at 1200 West Washington Street, Phoenix, Arizona 85007 or call 1-800-222-7000.

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodations such as sign language interpreter, as well as request this document in an alternative format, by contacting Cynthia Mercurio-Sandoval, ADA Coordinator, voice phone number 602/542-0838, E-Mail csandoval@cc.state.az.us. Requests should be made as early as possible to allow time to arrange the accommodation.

IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105, except that all motions to intervene must be filed on or before April 27, 2001.

IT IS FURTHER ORDERED that any objections to motions to intervene must be filed on or before May 4, 2001.

IT IS FURTHER ORDERED that all intervenors shall file specific disagreements/comments, if any, regarding the application and Staff Report on or before May 4, 2001 **by 12:00 noon**.

IT IS FURTHER ORDERED that the Applicant shall file specific disagreements/comments, if any, to the Staff report on or before May 4, 2001 **by 12:00 noon**.

IT IS FURTHER ORDERED that all intervenors, Staff, and Applicant shall file on or before May 4, 2001 **by 12:00 noon**, a list of witnesses and subject area(s) to be covered at the hearing in this matter.

IT IS FURTHER ORDERED that discovery shall be as permitted by law and the rules and regulations of the Commission, except that every effort shall be made to respond within 48 hours of receipt; the response time may be extended by mutual agreement of the parties involved if the request requires an extensive compilation effort.

IT IS FURTHER ORDERED that in the alternative to filing a written motion to compel

1 discovery, any party seeking discovery may telephonically contact the Commission's Hearing
2 Division to request a date for a procedural hearing to resolve the discovery dispute; that upon such
3 request, a procedural hearing will be convened as soon as practicable; and that the party making such
4 a request shall forthwith contact all other parties to advise them of the hearing date and shall at the
5 hearing provide a statement confirming that the other parties were contacted.¹

6 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive
7 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

8 DATED this 20th day of February, 2001.

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10 
11 STEPHEN GIBELLI
ADMINISTRATIVE LAW JUDGE

12 Copies of the foregoing mailed/delivered
13 this 20th day of February, 2001 to:

14 Nayel Shafei
15 Enkido, Inc.
16 401 Hackensack Ave., 5th Floor
Hackensack, New Jersey 07601

17 Timothy Berg
18 FENNEMORE CRAIG
3003 North Central Avenue, Suite 2600
19 Phoenix, Arizona 85012-2913
Attorneys for Qwest Corporation


20 Christopher Kempley, Chief Counsel
21 Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
22 Phoenix, Arizona 85007

23 Deborah Scott, Director
24 Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
25 Phoenix, Arizona 85007

26
27
28 ¹ The parties are encouraged to attempt to settle discovery disputes through informal, good-faith negotiations before seeking Commission resolution of the controversy.

1 ARIZONA REPORTING SERVICE, INC.
2 2627 N. Third Street, Suite Three
3 Phoenix, Arizona 85004-1104

4 By:

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6 Molly Johnson
7 Secretary to Stephen Gibelli
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